



PATENT

ATTORNEY DOCKET NO.: 036870-5062-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Michael ZASLOFF et al.)
)
Application No.: 09/885,247) Group Art Unit: 1614
)
Filed: July 13, 2000) Examiner: Unassigned
)
For: THERAPEUTIC USES FOR)
AMINOSTEROL COMPOUNDS)

Commissioner of Patents
BOX MISSING PARTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed March 11, 2002.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

4. Small Entity Status

10/15/2002 BABRAHA1 00000017 500310 09885247

01 FC:228

980.00 CH

☒ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input checked="" type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: **\$980.00**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

- ☒ Assignments of the invention to Genaera Corporation and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

				Fee Code
Basic Fee \$740.00				101/201
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)	
Total Claims	6 - 20 =	0	\$18/\$9 each=	\$ 103/203
Independent Claims	2 - 3 =	0	\$84/\$42 each=	\$ 101/202
Multiple dependent claim(s), if any			\$280/\$140	\$ 104/204
SUB-TOTAL =				\$
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$65.00 105/205
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))		\$110/\$55 (1 Month)		115/215
		\$400/\$200 (2 Months)		116/216
		\$920/\$460 (3 Months)		117/217
		\$1440/\$720 (4 Months)		118/218
		\$1960/\$980 (5 Months)	\$980.00	128/228
SUB-TOTAL =				\$1045.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$ 139
Assignment Recordation Fee			\$ 40.00	\$40.00 581
TOTAL FILING FEE =				\$1085.00

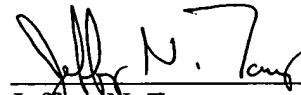
8. Fee Payment

- ☒ The Notice to File Missing Parts incorrectly indicates that in additional claim fees, \$117 is due for the "3 independent claims over 3." However, since there are only 2 total independent claims, no additional claim fees are due. Please see paragraph 3 on the Request to Convert a Provisional Application to a Nonprovisional Application dated July 13, 2001 wherein three of the additional independent claims were cancelled.
- ☒ Please charge Deposit Account No. 50-0310 in the amount of **\$1085.00** representing the total fee due.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Submission of Formal Drawings with _____ sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy of priority document
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, __ references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other: _____

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Jeffrey N. Townes
Reg. No. 47,142

Date: October 10, 2002

CUSTOMER NO. 09629**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,247	07/13/2000	Michael Zasloff	503M 036870-5062-01

009629
MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004



CONFIRMATION NO. 5537

FORMALITIES LETTER



OC00000007611969

Date Mailed: 03/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$117.
 - \$117 for 3 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- The balance due by applicant is \$ 117.

10/17/2002 TV0111 00000001 500310 09885247

01 FC:2201 126.00 CH

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/15/2002 BABRAHA1 00000017 500310 09885247

~~02 FC:205 65.00 CH~~

Adjustment date: 10/17/2002 TV0111

10/15/2002 BABRAHA1 00000017 500310 09885247

~~02 FC:2051 65.00 CR~~